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| APPLICATION NO.  | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO.    | CONFIRMATION NO. |
|--|-------------|----------------------|------------------------|------------------|
| 09/881,599   | 06/14/2001  | Gerrit H. Soopenberg | NL 000395              | 6414             |
| 24737  | 7590        | 01/31/2006           | EXAMINER               |                  |
| PHILIPS INTELLECTUAL PROPERTY & STANDARDS<br>P.O. BOX 3001<br>BRIARCLIFF MANOR, NY 10510 |             |                      | LEROUX, ETIENNE PIERRE |                  |
|  |             |                      | ART UNIT               | PAPER NUMBER     |
|  |             |                      | 2161                   |                  |

DATE MAILED: 01/31/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                              |                     |  |
|------------------------------|------------------------------|---------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b>       | <b>Applicant(s)</b> |  |
|                              | 09/881,599                   | SOEPENBERG ET AL.   |  |
|                              | Examiner<br>Etienne P LeRoux | Art Unit<br>2161    |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 30 November 2005.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-3, 6-10, 12-16 and 18-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-3, 6-10, 12-16 and 18-25 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 14 June 2001 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                             | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)         | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____                                    |

***Claim Status***

Claims 1-3, 6-10, 12-16 and 18-25 are pending in this office action. Claims 4, 5, 11 and 17 have been cancelled. Claims 1-3, 6-10, 12-16 and 18-25 are rejected in this office action.

***Specification***

The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.

**Arrangement of the Specification:**

As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

- (a) TITLE OF THE INVENTION.
- (b) CROSS-REFERENCE TO RELATED APPLICATIONS.
- (c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.
- (d) THE NAMES OF THE PARTIES TO A JOINT RESEARCH AGREEMENT
- (e) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC (See 37 CFR 1.52(e)(5) and MPEP 608.05. Computer program listings (37 CFR 1.96(c)), "Sequence Listings" (37 CFR 1.821(c)), and tables

having more than 50 pages of text are permitted to be submitted on compact discs.) or

REFERENCE TO A “MICROFICHE APPENDIX” (See MPEP § 608.05(a).

“Microfiche Appendices” were accepted by the Office until March 1, 2001.)

**(f) BACKGROUND OF THE INVENTION.**

(1) Field of the Invention.

(2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.

**(g) BRIEF SUMMARY OF THE INVENTION.**

**(h) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).**

**(i) DETAILED DESCRIPTION OF THE INVENTION.**

**(j) CLAIM OR CLAIMS (commencing on a separate sheet).**

**(k) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

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2. Claims 1-3, 6-10, 12-16 and 18-22, 24 and 25 are rejected under 35 U.S.C. 102(e) as being anticipated by US Pat No 6,496,896 issued to Inoue (hereafter Inoue).

Claims 1, 16, 22 and 25:

Inoue discloses:

- carousel-forming [Fig 8F, col 19, lines 33-40] data file and directory objects are sent in cycles with predetermined groups of file and directory objects being formed into respective modules at the transmitter, with each module being transmitted as a whole [Fig 8d blocks are grouped together and transmitted as a section, col 18, lines 60-67].
- the receiver being arranged to store for retrieval and subsequent playback received file data and directory objects under a predetermined grouping formulation, wherein the file and directory modules are comprised in discrete data portions carried in an elementary stream, with said predetermined grouping formulation for storage being at the module level [Fig 8C, col 18, lines 46-67] further including an indication for the interval in which they are valid [col 19, lines 19-22, col 23, lines 29-32].

Claim 2:

Inoue discloses said transmitter comprising a connection to a source of data for transmission and data formatting means arranged to assemble into modules for transmission file data and directory objects [col 18, lines 46-67]

Claim 3:

Inoue discloses said receiver comprising means arranged to receive said transmitted modules and to store the file data and directory objects therein according to a predetermined grouping formulation [col 18, lines 46-67]

Claims 6, 12 and 18:

Inoue discloses wherein the data including file and directory modules further comprises a version indicator to identify updates, with said modules further comprising discrete data portions carried in an elementary data stream, with said predetermined grouping formulation for storage being at the elementary level [col 19, lines 19-21]

Claims 7, 13 and 19:

Inoue discloses wherein the file and directory modules are linked to time stamp data, with the transmitter being configured to include such time stamp data and the receiver component being arranged to recover such time stamps and utilize them in the reproduction from storage of the carousel [17, lines 50-60].

Claims 8, 14 and 20:

Inoue discloses wherein the reproduction from storage of the carousel is performed at data rates other than that indicated by said time stamps [col 17, lines 60-61].

Claim 9, 15 and 21:

Inoue discloses wherein the reproduction form storage of the carousel is performed at data rates greater than that indicated by said time stamps by reproducing carousel data at a data rate indicated by time-stamp data and selectively interposing additional copies of reproduced carousel file and directory objects with said originally reproduced copies [col 17, lines 60-61].  
24-36].

Claim 10 and 24:

Inoue discloses said transmitter comprising a connection to a source of data for transmission and data formatting means arranged to assemble into modules for transmission file data and directory objects [col 17, lines 30-32].

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Inoue in view of Applicant's admitted prior art.

**Claim 23:**

Inoue discloses the elements of claim 22 as noted above.

Inoue fails to disclose wherein with respect to said predetermined grouping formulation, the elementary level corresponds to the lowest layer of an object carousel, with the top layer consisting of the file and directory objects and the middle layer consisting of modules.

Applicant as admitted prior art discloses wherein with respect to said predetermined grouping formulation, the elementary level corresponds to the lowest layer of an object carousel, with the top layer consisting of the file and directory objects and the middle layer consisting of modules [page 3, lines 13-16].

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Inoue to include wherein with respect to said predetermined grouping formulation, the elementary level corresponds to the lowest layer of an object carousel, with the top layer consisting of the file and directory objects and the middle layer consisting of modules per applicant's admitted prior art for the purpose of providing a high speed large bandwidth data transport service. The ordinarily skilled artisan would have been motivated to modify Inoue's invention for the purpose of providing a transport protocol for an audio/video stream which complies with the MPEG-2 industry standard.

Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Inoue in view of US Pat No 6,052,555 issued to Ferguson, as best examiner is able to ascertain.

Claim 23:

Inoue discloses the elements of claim 22 as noted above.

Inoue fails to disclose wherein with respect to said predetermined grouping formulation, the elementary level corresponds to the lowest layer of an object carousel, with the top layer consisting of the file and directory objects and the middle layer consisting of modules.

Ferguson discloses wherein with respect to said predetermined grouping formulation, the elementary level corresponds to the lowest layer of an object carousel, with the top layer consisting of the file and directory objects and the middle layer consisting of modules [col 3, lines 50-63].

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Inoue to include wherein with respect to said predetermined grouping formulation, the elementary level corresponds to the lowest layer of an object carousel, with the top layer consisting of the file and directory objects and the middle layer consisting of modules per applicant's admitted prior art for the purpose of defining layers for levels of abstraction [col 3, lines 59-63]. The ordinarily skilled artisan would have been motivated to improve Inoue's invention by providing an appropriate high speed large bandwidth data transport service [col 3, lines 45-48].

### ***Response to Arguments***

Applicant's arguments filed 11/30/05 have been fully considered but are not persuasive for the reasons given below.

#### **Applicant Argues:**

Applicant states in the second paragraph of page 8 “Accordingly, Inoue reference discloses an indicator that includes identification, size and version, but fails to disclose an indicator indicating the interval in which they are valid.”

**Examiner Responds:**

Examiner is not persuaded. Inoue discloses at least in column 19, lines 19-22 and column 23, lines 29-32 and column 17, lines 35-45 an indication for the interval in which they are valid as is described in the claims.

Column 17, lines 35-46:

FIGS. 6A to 6I illustrate an example of data when they are outputted from the terrestrial station 101 and transmitted to the satellite 102. It is to be noted that, as described hereinabove, the various data shown in FIGS. 6A to 6I are actually in a time base multiplexed state. Further, as seen in FIG. 6A, an event occurs within a period from time t1 to time t2, and another event occurs after time t2. The event here is, for example, with regard to a channel of a music program, a unit in which a set of a lineup of a plurality of tunes is changed, and has a time of approximately 30 minutes or one hour.

*Conclusion*

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

*Contact Information*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Etienne P. LeRoux whose telephone number is (571) 272-4022. The examiner can normally be reached Monday through Friday between 8:00 am and 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahić can be reached on (571) 272-4023. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Etienne LeRoux

1/26/2006

*EP LEROUX*